

AMENDED IN SENATE SEPTEMBER 6, 2005

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 272

Introduced by Assembly Member ~~Matthews Parra~~
(Principal coauthor: Assembly Member Maze)
(Coauthors: Assembly Members Arambula and Villines)
(Coauthors: Senators Ashburn and Florez)

February 9, 2005

An act to amend Section 830.1 of the Penal Code, relating to peace officers, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 272, as amended, ~~Matthews Parra~~. Peace officers: county custodial officers.

Existing law defines various persons as peace officers, including, among others, custodial officers in certain counties.

This bill would include custodial officers, as specified, in the Counties of Inyo, ~~Merced, San Joaquin~~, Kings, and Tulare within the definition of peace officer.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 830.1 of the Penal Code is amended to
2 read:

830.1. (a) Any sheriff, undersheriff, or deputy sheriff, employed in that capacity, of a county, any chief of police of a city or chief, director, or chief executive officer of a consolidated municipal public safety agency that performs police functions, any police officer, employed in that capacity and appointed by the chief of police or chief, director, or chief executive of a public safety agency, of a city, any chief of police, or police officer of a district, including police officers of the San Diego Unified Port District Harbor Police, authorized by statute to maintain a police department, any marshal or deputy marshal of a superior court or county, any port warden or port police officer of the Harbor Department of the City of Los Angeles, or any inspector or investigator employed in that capacity in the office of a district attorney, is a peace officer. The authority of these peace officers extends to any place in the state, as follows:

(1) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision that employs the peace officer or in which the peace officer serves.

(2) Where the peace officer has the prior consent of the chief of police or chief, director, or chief executive officer of a consolidated municipal public safety agency, or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give consent, if the place is within a county.

(3) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

(b) The Attorney General and special agents and investigators of the Department of Justice are peace officers, and those assistant chiefs, deputy chiefs, chiefs, deputy directors, and division directors designated as peace officers by the Attorney General are peace officers. The authority of these peace officers extends to any place in the state where a public offense has been committed or where there is probable cause to believe one has been committed.

(c) Any deputy sheriff of the County of Los Angeles, and any deputy sheriff of the Counties of Butte, Kern, Humboldt,

1 Imperial, Inyo, *Kings*, Mendocino, ~~Merced~~, Plumas, Riverside,
2 San Diego, ~~San Joaquin~~, Santa Barbara, Shasta, Siskiyou,
3 Solano, Sonoma, Sutter, Tehama, Tulare, and Tuolumne who is
4 employed to perform duties exclusively or initially relating to
5 custodial assignments with responsibilities for maintaining the
6 operations of county custodial facilities, including the custody,
7 care, supervision, security, movement, and transportation of
8 inmates, is a peace officer whose authority extends to any place
9 in the state only while engaged in the performance of the duties
10 of his or her respective employment and for the purpose of
11 carrying out the primary function of employment relating to his
12 or her custodial assignments, or when performing other law
13 enforcement duties directed by his or her employing agency
14 during a local state of emergency.

15 *SEC. 2. This act is an urgency statute necessary for the*
16 *immediate preservation of the public peace, health, or safety*
17 *within the meaning of Article IV of the Constitution and shall go*
18 *into immediate effect. The facts constituting the necessity are:*

19 *In order to provide specified counties as soon as possible with*
20 *the necessary flexibility in operating their custodial facilities so*
21 *that the counties may obtain efficient and effective staffing for the*
22 *custodial facilities, to the benefit of both those residing within the*
23 *facilities and those residing outside of the facilities, it is*
24 *necessary that this bill go into immediate effect.*